

ICRC No.: EMsh10090438

██████████,
Complainant,

v.

WOLFE'S, INC., dba TREVI'S,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(b)

On April 11, 2010, ██████████ ("Complainant") filed a complaint with the Commission against Trevi's ("Respondent") alleging sex discrimination in violation of the Indiana Civil Rights Law (IC 22-9, et seq.) Complainant is an employee and Respondent is an employer as defined by the Civil Rights Laws. IC 22-9-1-3(h) and (i) Accordingly, the Indiana Civil Rights Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was subjected to a sexually hostile work environment. In order to prevail on such a claim, Complainant must show that: (1) she was subjected

to severe or pervasive comments or actions of a sexual nature; (2) Respondent knew or should have known about the harassment and (3) Respondent failed to take prompt action to remedy the hostile environment.

Complainant has provided a video recording she made on the day of her discharge to corroborate her version of the facts. On the video, Complainant can be heard talking to an unseen male who is never identified. This man can be heard telling Complainant that she smelled great and asking her if she wore underpants, statements she attributed to [REDACTED], [REDACTED]. Complainant can also be heard stating she “could not do that,” which she claims she said when [REDACTED] tried to hug and kiss her. [REDACTED] left the restaurant at this time. Complainant proceeded to inform a friend who was at the bar about this incident. Another patron overheard this discussion and called [REDACTED] to explain that he heard Complainant talking about sexual harassment and finding a lawyer. [REDACTED] promptly returned to the restaurant and remedied the hostile environment by summarily terminating Complainant’s employment. Based upon these findings, probable cause exists to believe that an unlawful discriminatory practice occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Indiana Civil Rights Commission will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

May 17, 2011
Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission